

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ISMAEL VENUTRA

Petitioner,

18 cv 9179 (JGK)

- against -

ORDER

UNITED STATES OF AMERICA

Respondent.

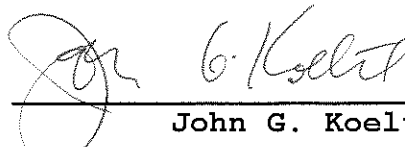
JOHN G. KOELTL, District Judge:

Jose Ismael Ventura, the Movant, has moved for discovery in connection with his pending motion pursuant to 28 U.S.C. § 2255 to vacate his conviction and sentence. ECF 20. To obtain discovery in a proceeding brought under 28 U.S.C. § 2255, the petitioner must show good cause. Drake v. Portuondo, 321 F.3d 338, 346 (2d Cir. 2003); Viertel v. United States, No. 08-cv-7512, 2014 WL 406523, at *1 (S.D.N.Y. Jan. 30, 2014); Garafola v. United States, 909 F. Supp. 2d 313, 335 (S.D.N.Y. 2012) ("A petitioner in a habeas corpus proceeding generally does not have a right to discovery unless the petitioner can show good cause.") (citation omitted).

The Government has not yet responded to the amended § 2255 motion and the Court cannot determine at this time whether there is good cause that warrants discovery. Therefore, the motion for discovery is **denied** without prejudice.

SO ORDERED.

Dated: New York, New York
October 26, 2020



John G. Koeltl
United States District Judge